

Notice of Allowability

Application No.

10/621,372

Applicant(s)

AKIYAMA ET AL.

Examiner

Art Unit

Dah-Wei D. Yuan

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/27/06.
2. ☒ The allowed claim(s) is/are 1,3-5 and 7-16.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 04272007
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

**SEALING STRUCTURE OF FUEL CELL AND
MANUFACTURING METHOD OF SAME**

Examiner: Yuan

S.N. 10/621,372

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May 17, 2007

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 6, 2007 has been entered. Claim 1 was amended. Claims 2, 6, 17-21 were cancelled.

2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action issued on December 14, 2006.

Claim Rejections

3. The claim rejections under 35 U.S.C. 103(a) as obvious over Warszawski et al. in view of Cisar et al. on claims 1-4, 7, 8, 10-13 are withdrawn because the independent claim 1 has been amended. The claim rejections under 35 U.S.C. 103(a) as obvious over Warszawski et al., Cisar et al. and Kao et al. on claims 5, 6, 14-16 have been withdrawn because the independent claim 1 has been amended. Support for the amendment can be found in Figures 8 and 9 of the instant specification.

Reasons for Allowance

4. Claims 1,3-5,7-16 are allowed. The invention of independent claim 1 recites a stack structure of a fuel cell comprising a plurality of separators, a protruding portion which is formed on an end portion of each of the separators, a plurality of cells of which comprises the separators and a membrane-electrode assembly, wherein the protruding portions of the separators adjacent to each other are formed as to be displaced with respect to each other in the cell stacked direction and offset from one another in the direction perpendicular to the cell stacked direction. The closest prior art of record, Warszawski et al., Cisar et al., Desanctis et al. and Kao et al., does not teach the protruding portions of the separators adjacent to each other are formed as to be displaced with respect to each other in the cell stacked direction and offset from one another in the direction perpendicular to the cell stacked direction as recited in the claim.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (571) 272-1295. The examiner can normally be reached on Monday-Friday (8:00-5:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dah-Wei D. Yuan
May 17, 2007



DAH-WEIYUAN
PRIMARY EXAMINER